

Application No.: 08/105,444

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Docket No.: 204372000300

REMARKS

The Examiner appears to be asserting that the Appeal Brief is non-compliant under 37 C.F.R. § 1.192 (c) because two cited references, *i.e.*, 17 Pathology 928 (Rubin and Farber eds. 1988) and Israeli et al., *Cancer Res.* 53(3): 227-230 (1993), are not included in the scanned IFW file application, either on an IDS or as a separate non-patent literature. Applicants note that the absence of these references fails to render the Appeal Brief non-compliant. According to the Manual of Patent Examining Procedure § 1206 (8th Ed. 2001), "37 C.F.R. § 1.192 (c) merely specifies the minimum requirements for a brief, and ***does not prohibit the inclusion of other material which an appellant may consider necessary or desirable...***" (emphasis added).

Nonetheless, in an effort to expedite the prosecution of this application, Applicants provide herewith photocopies of the cited references. Applicants respectfully request a full and timely consideration of the pending Appeal Brief.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.204372000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

Laurie L. Hill, Ph.D.

Registration No.: 51,804

MORRISON & FOERSTER LLP

3811 Valley Centre Drive, Suite 500

San Diego, California 92130

(858) 720-7955

sd-207281